IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No: 2442 of 2005

Between:

C. Chandra Sekhar, S/o. C. Akkulappa,
Jakkasamudram Village, Gorantla Mandal, Anantapur District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Gorantla Mandal, Anantapur District.
2 The Revenue Divisional Officer, Penukonda, Anantapur District.
3 The Joint Collector (Civil Supplies), Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd Respondent in passing vague orders in the appeal D.Dis No. K4/1226/2004 dated 07-1-2005 asking the Petitioner herein to participate in the enquiry and remanding the matter to the Respondent No. 2 by directing to conduct enquiry, without staying the suspension of authorization orders Dt. 11-10-2004 passed by the 2nd Respondent as illegal, arbitrary, against the principles of natural justice and consequently set-aside the suspension Order/show Cause Notice No. Dt 11-10-2004 in Rc. No. 1538/04 E issued by the 2nd Respondent and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.J.SREENIVASULU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

The authorization of the petitioner as a fair price shop dealer was suspended by the 2nd respondent through his order, dated 11.10.2004. Aggrieved thereby, the petitioner preferred an appeal before the 1st respondent. The appeal was rejected vide order, dated 07.01.2005. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil supplies.

The petitioner approached this Court twice at various stages of the matter. Initially, he filed W.P.19683 of 2004 complaining that the 1st respondent has not passed any orders in the application for grant of stay. The writ petition is disposed of on 28.10.2004, directing the 1st respondent to pass appropriate orders in the appeal or dispose of the appeal as expeditiously as possible and not later than two weeks. The same was not complied with. Hence, the petitioner filed W.P.No.22979 of 2004. This Court passed an order, dated 21.12.2004, directing that the order of suspension passed against the petitioner shall remain stayed, till the 1st respondent disposes of the appeal. Now the 1st respondent rejected the appeal through his order, dated 07.01.2005.

Basically, the scope of interference with the orders of this nature is very limited. The appeal was itself against an order of suspension pending enquiry. However, what prompts this Court to examine the matter further is that the 1st respondent did not record any finding as to the legality or otherwise of the order of suspension. After referring to the writ petitions filed by the petitioner, he simply stated as under:

> "After perusing the grounds of the appeal and records of the Revenue Divisional Officer, Penukonda it is learnt that the case is pending

enquiry in the lower Court and not passed final orders.

In view of the above, the case is remanded to the Revenue Divisional Officer, Penukonda is directed to dispose of the case giving opportunity complete as expeditiously as possible in accordance with law. The appeal is disposed of."

The order is signed by an officer by name K.Narasing Rao, who is not the appellate authority. Entire exercise of appellate power was not in accordance with the known procedure. The 1st respondent, who is present in the Court, was impressed upon this and he undertakes to ensure that such instances should not recur.

Taking the totality of the circumstances into account, the writ petition is disposed of, directing that the 2nd respondent shall expedite the enquiry against the petitioner and pass appropriate orders therein, within a period of eight weeks from today. Till such time, the order of suspension passed against the petitioner shall remain stayed. There shall be no order as to costs.

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25.02.2005

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To

1 The Mandal Revenue Officer, Gorantla Mandal, Anantapur District.
2 The Revenue Divisional Officer, Penukonda, Anantapur District.
3 The Joint Collector (Civil Supplies), Anantapur District.

4 2 CCs to the G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT).

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